

CHAPTER I

PURPOSE AND NEED FOR ACTION

INTRODUCTION

In 1990, a Winter Use Plan was completed for Yellowstone National Park (YNP), Grand Teton National Park (GTNP), and the John D. Rockefeller, Jr., Memorial Parkway (the Parkway). In 1994, the National Park Service (NPS) and the U.S. Forest Service (USFS) began work on a coordinated interagency report on Winter Visitor Use Management. This effort was in response to an earlier than expected increase in winter use. The 1990 Winter Use Plan projected 143,000 visitors for the year 2000. Winter visitors to YNP and GTNP in 1992-1993 exceeded this estimate. Total visitors to YNP and GTNP in that year were 142,744 and 128,159, respectively.

In 1994, the Greater Yellowstone Coordinating Committee (GYCC), composed of national park superintendents and national forest supervisors within the Greater Yellowstone Area (GYA) (Figure 1), recognized the trend toward increasing winter use and identified concerns relating to that use. The GYCC chartered an interagency study team to collect information relative to these concerns and perform an analysis of winter use in the GYA. The analysis, *Winter Visitor Use Management: a Multi-agency Assessment* was drafted in 1997 and approved by the GYCC for final publication in 1999. The assessment identifies desired conditions for the GYA, current areas of conflict, issues and concerns, and possible ways to address them. The final document considered and incorporated many comments from the public, interest groups, and local and state governments surrounding public lands in the GYA.

In May 1997, the Fund for Animals, et al. filed suit against the NPS. The suit alleged that the NPS had failed to conduct adequate analysis under the National Environmental Policy Act (NEPA) when developing its winter use plan for the parks, failed to consult with the U.S. Fish and Wildlife Service (USFWS) on the effects of winter use on threatened and endangered species, and failed to evaluate the effects of trail grooming on wildlife and other park resources. In October 1997, the Department of the Interior (DOI) and the plaintiffs reached a settlement agreement. The NPS agreed, in part, to prepare an environmental impact statement (EIS) for new winter use plans for the parks and the Parkway. This settlement provision was satisfied with publication and distribution of the Final EIS on October 10, 2000. A ROD was signed by Intermountain Regional Director Karen Wade on November 22, 2000, and subsequently distributed to interested and affected parties. The ROD selected Final EIS alternative G, which eliminates both snowmobile and snowplane use from the parks by the winter of 2003-2004, and provides access via an NPS-managed, mass-transit snowcoach system. The decision was based on a finding that existing snowmobile and snowplane use impairs park resources and values, thus violating the statutory mandate of the NPS.

Implementing aspects of this decision relating to designation of routes available for oversnow motorized access required a rule change for each park unit in question. Following publication of a proposed rule and the subsequent public comment period, a final rule was published in the *Federal Register* on January 22, 2001. After additional review, the rule became effective on April 22, 2001. Full implementation of the plan and the rule changes do not occur until the winter of 2003-2004.

On December 6, 2000, the Secretary of the Interior, et al. were named as defendants in a lawsuit brought by the International Snowmobile Manufacturers' Association (ISMA), et al. The State of Wyoming intervened on behalf of the plaintiff. The lawsuit asked for the decision, as reflected in the ROD and final rule, to be set aside. Its allegations include the NPS' failure to give legally mandated consideration to all of the alternatives, making political decisions outside the public process and contradictory to evidence and data, failure to give the public appropriate notice and participation,

THE PURPOSE OF THE SUPPLEMENTAL EIS

failure to adequately consider and use the proposals and expertise of the cooperating agencies, failure to properly interpret and implement the parks' purpose, discrimination against disabled visitors, and improper adoption of implementing regulations.¹ A settlement was achieved June 29, 2001, and, through its terms, NPS is acting as lead agency to prepare this SEIS. By the settlement, the State of Wyoming will act as a cooperating agency. In accordance with the settlement, the SEIS will incorporate new or additional information and data as provided by the affected public and cooperating agencies, including information regarding new snowmobile technologies, submitted with respect to a winter use plan for the parks.

Subsequent to the settlement, all agencies (other than the State of Wyoming) that signed cooperating agency agreements during the earlier EIS process agreed to be cooperating agencies for the SEIS. These agencies are: the USFS, the States of Montana and Idaho, Fremont County in Idaho, Gallatin and Park Counties in Montana, and Park and Teton Counties in Wyoming. In addition, the Environmental Protection Agency (EPA) was requested by NPS to be a new cooperating agency in this effort, and EPA agreed.

A Notice of Intent to prepare an SEIS was published in the *Federal Register* on July 27, 2001 (66 FR 39197). A Draft SEIS was published on March 29, 2002 initiating a 60-day public comment period during which approximately 360,000 pieces of correspondence were received.

THE PURPOSE OF THE SUPPLEMENTAL EIS

The purpose for preparing an SEIS, as agreed to in the settlement and as published in the *Federal Register* Notice of Intent, is as follows. The preparation of an SEIS is deemed necessary to further the purposes of the National Environmental Policy Act (NEPA) which includes: 1) soliciting more public comment on the earlier decision and alternatives to it; 2) consideration of additional information from the ISMA; and 3) consideration of other significant and relevant new or updated information not available at the time of the earlier decision. As provided in the NEPA regulations, both a draft and a Final SEIS are to be prepared. The fundamental purpose and need for action in the supplemental analysis remains the same as in the Final EIS. The SEIS focuses on four alternatives to the existing decision, so far as oversnow motorized use is concerned, considering again a number of features evaluated in the Final EIS, and developing additional information as it applies to these alternatives. The "no action" alternative that represents a baseline for comparison in the SEIS is the current decision allowing for motorized oversnow access via snowcoach only, beginning the winter of 2003-2004. The supplemental analysis takes full advantage of "tiering"² and "incorporation by reference,"³ two mechanisms provided in NEPA regulations to aid in producing efficient documents. Appropriate references to the Final EIS and summaries of information are provided in the SEIS. The Final EIS is reasonably available for public review because it remains on the Internet at www.winteruseplanning.net, over 500 copies were distributed since October 2000, and a number of copies of the document are on hand for distribution.

¹ These allegations are expressed in Section B of the settlement agreement. In Section C of the agreement, NPS denies all allegations.

² 40 CFR 1502.20 and 1508.28(b): Tiering from an EIS to a supplemental allows the lead agency to focus on the issues that are ripe for decision, and exclude from consideration items already decided or not yet ripe.

³ 40 CFR 1502.21: Agencies shall incorporate material into an EIS by reference when the effect will be to cut down on bulk without impeding agency and public review.

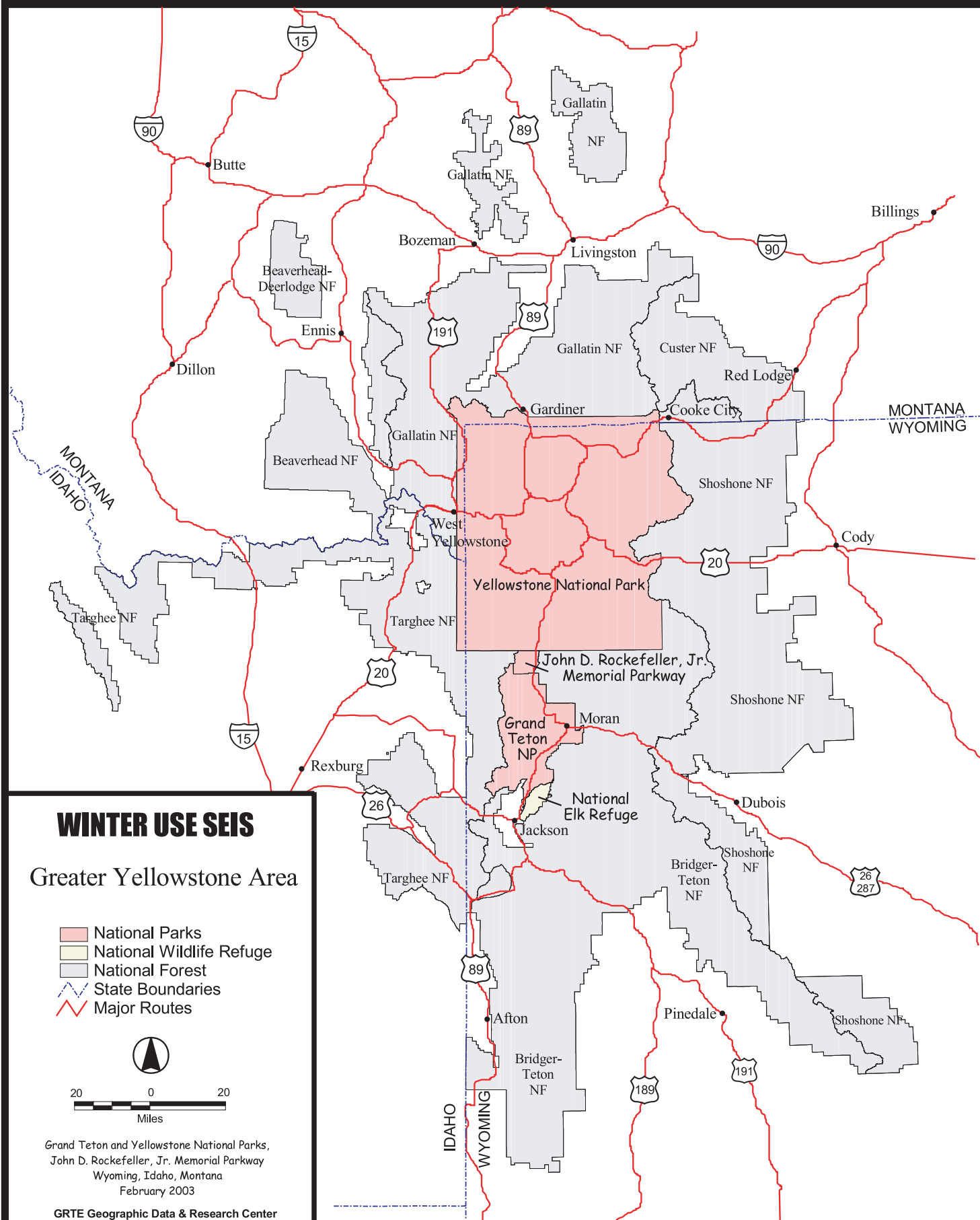


Figure 1

NATIONAL PARK SERVICE MANDATES

The management of the National Park System and NPS programs is guided by the Constitution, public laws, treaties, proclamations, Executive Orders, regulations, and directives of the Secretary of the Interior and the Assistant Secretary for Fish and Wildlife and Parks. NPS policy must be consistent with these higher authorities, and with appropriate delegations of authority. In order of this hierarchy, pertinent guidance is summarized below.

The Organic Act

The NPS and its basic mandate are authorized under the NPS Organic Act (16 USC 1, 2-4) and the General Authorities Act (16 USC 1a-1 through 1a-8):

“The Service thus established shall promote and regulate the use of the Federal areas known as National Parks...by such means and measures as to conform to the fundamental purposes of the said Parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

The direction provided by the Organic Act was the subject of many comments on the Draft Environmental Impact Statement (Draft EIS). The Final EIS discusses comments pursuant to the Act on page 3.

The General Authorities Act

The General Authorities Act, as amended by the Redwood Act (March 27, 1978, P.L. 95-250, 92 Stat. 163, 16 USC 1a-1) affirms the basic tenets of the Organic Act and provides additional guidance on National Park System management:

“The authorization of activities shall be construed, and the protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established....”

The restatement of these principles of park management in the Redwood Act is intended to serve as the basis for any judicial resolution of competing private and public values and interests in the National Park System (Senate Report No. 95-528 on S. 1976 pg. 7). The Senate committee report stated that under the Redwood amendment:

“The Secretary of the Interior has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the National Park System.”

Consideration of these principles gives rise to the concept of “impairment” discussed on page 3 of the Final EIS, and below under *Management Policies 2001*.

Park-Specific Legislation

The Yellowstone National Park Act (16 USC 21, *et seq.*), the Grand Teton National Park Act (16 USC 406d-1 *et seq.*), and the John D. Rockefeller, Jr., Memorial Parkway Act (P.L. 92-404) provide authority and direction for management of each park addressed in this SEIS. The establishment legislation is included in Appendix C of the Final EIS.

Other Laws

Because one of the primary issues about snowmobile use is that of air quality, The Clean Air Act (as amended, P.L. Chapter 360, 69 Stat. 322, 42 U.S.C. 7401 *et seq.*) is a primary focus in both the Final EIS and in this SEIS. Other pertinent laws are listed on page 3 of the Final EIS.

Clean Air Act

The Clean Air Act provides both for the prevention of significant deterioration of areas where air is cleaner than NAAQS, and for an affirmative responsibility by the Federal Land Manager⁴ to protect air quality-related values, including visibility. The Prevention of Significant Deterioration (PSD) provisions of the Clean Air Act are intended, among other things, to preserve, protect, and enhance the air quality in national parks. The legislative history of the PSD provisions⁵ indicates that federal land managers are to “assume an aggressive role in protecting the air quality values of land areas under his jurisdiction” and to “err on the side of protecting the air quality-related values for future generations.” The Act also requires the prevention of any future impairment and the remedying of any existing impairment in Class I federal areas, which includes Yellowstone and Grand Teton National Parks. Additionally, the John D. Rockefeller, Jr., Memorial Parkway (a class II area) abuts Class I federal areas including the two national parks and the Jedediah Smith and Teton Wilderness Areas.

Executive Orders

EOs provide additional direction that must be considered as part of the purpose and need for action. EO 11644, Use of Off-Road Vehicles on the Public Lands, issued by President Nixon in 1972, states in part:

“The widespread use of such vehicles on the public lands — often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity — has demonstrated the need for a unified federal policy...that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of these lands, to promote the safety of all users of those lands, and to minimize conflicts among the various users of those lands.” Further, “[a]reas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats” and “areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands...” Additionally, “Areas and trails shall be located in areas of the National Park System...only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.” Finally, “The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designation of areas or other actions taken pursuant to this order as necessary to further the policy of this order.”

This order is amended by EO 11989, issued by President Carter in 1978, which adds:

“... the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.”

⁴ The Federal Land Manager, in this case the NPS, has an affirmative responsibility to protect these resources, which is a separate issue from air quality vis-à-vis NAAQS.

⁵ S.Rep 95-127(95th cong., 1st Sess) 1977.

The order defines off-road vehicles as “...any motorized vehicle that is capable of cross-country travel over ...snow, ice, or other natural terrain.” The order excludes vehicles used for official administrative travel, vehicles used for emergency purposes, or any vehicle that is expressly authorized for such travel. Oversnow motorized vehicles have been authorized to travel in the two national parks, but only on surfaces where motorized vehicles have been authorized to travel at other times of the year.

The EOs clearly provide direction for the use of oversnow motorized vehicles operating on roads, and state that a determination about their impacts must be made. The impacts were evaluated and disclosed in the Final EIS, resulting in a determination of impairment and the decision to implement a “snowcoach only” alternative, alternative G from the Final EIS (see ROD pages 1 and 18). Appendix C in the Final EIS includes the full text of the EOs described above. Other pertinent EOs are listed on page 4 of the Final EIS.

Regulations

General provisions in NPS regulations address snowmobile use (36 CFR 2.18). Snowmobiling is generally prohibited except on designated routes and water surfaces available for motorized use at other times. In addition, snowmobiles are prohibited except where designated and

“only when their use is consistent with the park’s natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources” (36 CFR 2.18c).

Section (d) of this regulation lists additional limitations and prohibitions that apply where snowmobiles are allowed, including noise limits, speed limits, operator requirements, and machine appurtenances. Section (d) authority is the basis for listing many of the possible tools available for implementing the alternatives (see Chapter II, Implementation Measures) that do not require further analysis in this SEIS.

NPS Management Policies

Current policy guidance for NPS is published in *Management Policies 2001* (December 2000; available on the Internet at www.nps.gov/policy/mp/policies.html). The policies interpret the laws, regulations and EOs, governing management of NPS areas. Policies most applicable to this SEIS and the existing decision are summarized or abstracted here because they were not final before the publication of the Final EIS. The subsequent ROD fully considered the policies and made a finding that park resources and values are impaired by snowmobile use. The numbers below refer to the portions of the *Management Policies 2001* that are the sources for the text.

1.4.3 The NPS Obligation to Conserve and Provide for Enjoyment of Park Resources and Values

“The fundamental purpose of the National Park System, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with the mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values.”

“The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The “enjoyment” that is

contemplated by the statute is broad; it is the enjoyment of all the people of the United States, not just those who visit parks, and so includes enjoyment both by people who directly experience parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act, in decisions that variously describe it as making ‘resource protection the primary goal’ or ‘resource protection the overarching concern,’ or as establishing a ‘primary mission of resource conservation,’ a ‘conservation mandate,’ ‘an overriding preservation mandate,’ ‘an overarching goal of resource protection.’ Or ‘but a single purpose, namely, conservation.’”

1.4.4 The Prohibition on Impairment of Park Resources and Values

“While Congress has given the Service the management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement (enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.”

“The impairment of park resource and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid impairment.”

1.4.5 What Constitutes Impairment of Park Resources and Values

“The impairment that is prohibited by the Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.”

“An impact to any park resource or value may constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- Identified as a goal in the park’s general management plan or other relevant NPS planning documents.”

“An impact would be less likely to constitute an impairment to the extent that is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values. Impairment may occur from

visitor activities; NPS activities in the course of managing a park; or activities undertaken by concessioners, contractors, and others operating in the park.”

1.4.6 What Constitutes Park Resources and Values

“The park resources and values that are subject to the nonimpairment standard include:

- The park’s scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells, water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; , and native plants and animals;
- Opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing any of them;
- The park’s role in contributing to the national dignity, the high public value and integrity and the superlative environmental quality of the National Park System, and the benefit and inspiration provided to the American people by the National Park System; and
- Any additional attributes encompassed by the specific values and purposes for which it was established.”

1.4.7 Decision-making Requirements to Avoid Impairments

“Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decision maker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. If there would be an impairment, the action may not be approved.”

“In making a determination of whether there would be an impairment, a National Park Service decision maker must use his or her professional judgment. The decision maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); relevant scientific studies, and other sources of information; and public comments.”

“When an NPS decision maker becomes aware that an ongoing activity might have led or might be leading to an impairment of park resources and values, he or she must investigate and if there is, or will be, an impairment. Whenever practicable, such an investigation and determination will be made as part of an appropriate park planning process undertaken for other purposes. If it is determined that there is, or will be, such an impairment, the Director must take appropriate action, to the extent possible within the Service’s authorities and available resources, to eliminate the impairment. The action must eliminate the impairment as soon as reasonably possible, taking into consideration the nature, duration, magnitude, and other characteristics of the impacts to park resources and values, as well as the requirements of NEPA, the Administrative Procedure Act, and other applicable law.”

4.7.1 Air Quality

“The National Park Service has a responsibility to protect air quality under both the 1916 Organic Act and the Clean Air Act (CAA). Accordingly, the Service will seek to perpetuate the best possible air quality in the parks to (1) preserve natural resources and systems; (2) preserve cultural resources; and (3) sustain visitor enjoyment, human health, and scenic vistas. Vegetation, visibility, water quality, wildlife, historic and prehistoric structures and objects, cultural landscapes, and most other elements of a park environment are sensitive to

air pollution and are referred to as ‘air quality-related values.’ The Service will assume an aggressive role in promoting and pursuing measures to protect these values from the adverse impacts of air pollution. In cases of doubt as to the impacts of existing or potential air pollution on park resources, the Service will err on the side of protecting air quality and related values for future generations.”

“Superintendents will take actions consistent with their affirmative responsibilities under the CAA to protect air quality-related values in Class I areas. Class I areas are national parks over 6,000 acres and national wilderness areas over 5,000 acres that were in existence on August 7, 1977. The CAA establishes a national goal of preventing any future, and remedying any existing, human-made visibility impairment in Class I areas.”

“Although the CAA gives the highest level of air quality protection to Class I areas, it provides many opportunities for the Service to participate in the development of pollution control programs to preserve, protect, and enhance the air quality of all units of the National Park System. Regardless of Class I designation, the Service will take advantage of these opportunities.”

4.9 Soundscape Management

“The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks. Natural soundscapes exist in the absence of human-caused sound. The natural soundscape is the aggregate of all the natural sounds that occur in parks, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive, and can be transmitted through air, water, or solid materials. Some natural sounds in the natural soundscape are also part of the biological or to the physical resource components of the park. Examples of such natural sounds include: ...sounds produced by physical processes, such as wind in the trees, claps of thunder, or falling water. The Service will restore degraded soundscapes to the natural condition wherever possible, and will protect natural soundscapes from degradation due to noise (undesirable human-caused sound).”

“Using appropriate management planning, superintendents will identify what levels of human-caused sound can be accepted within the management purposes of parks. The frequencies, magnitudes, and duration of human-caused sound considered acceptable will vary throughout the park, being generally greater in developed areas and generally lesser in undeveloped areas. In and adjacent to parks, the Service will monitor human activities that generate noise that adversely affects park soundscapes, including noise caused by mechanical or electronic devices.”

“The service will take action to prevent or minimize all noise that, through frequency, magnitude, or duration, adversely affects the natural soundscape or other park resources or values, or that exceeds levels that have been identified as being acceptable to, or appropriate for, visitor uses at the sites being monitored.”

8.2 Visitor Use

“Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society. However, many forms of recreation enjoyed by the public do not require a national park setting and are more appropriate to other venues. The Service will therefore:

- Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks.

- Defer to local, state, and other federal agencies; private industry; and non-governmental organizations to meet the broader spectrum of recreational needs and demands.”

“To provide for enjoyment of the parks, the National Park Service will encourage visitor activities that:

- Are appropriate to the purposes for which the park was established;
- Are inspirational, educational, or healthful and otherwise appropriate to the park environment;
- Will foster an understanding of, and appreciation for, park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
- Can be sustained without causing unacceptable impacts to park resources or values.”

“The Service will allow other visitor uses that do not meet all the above criteria if they are appropriate to the purpose for which the park was established and they can be sustained without causing unacceptable impacts to park resources or values. Unless mandated by statute, the Service will not allow visitors to conduct activities that:

- Would impair park resources or values;
- Create an unsafe or unhealthful environment for other visitors or employees;
- Are contrary to the purposes for which the park was established, or
- Unreasonably interfere with: the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic or commemorative locations within the park; NPS interpretive, visitor service, administrative or other activities; NPS concessioner or contractor operations or services or other existing, appropriate park uses.”

“Management controls must be imposed on all park uses to ensure that park resources and values are preserved and protected for the future. If and when a superintendent has a reasonable basis for believing that an ongoing or proposed public use would cause unacceptable impacts to park resources or values, the superintendent must make adjustments to the way the activity is conducted, so as to eliminate the unacceptable impacts. If necessary, the superintendent may (1) temporarily or permanently close a specific area; (2) prohibit a particular use; or (3) otherwise place limitations on the use to ensure that impairment does not occur.”

8.2.3 Use of Motorized Equipment

“The variety of motorized equipment—including visitor vehicles, concessioner equipment, and Park Service administrative or staff vehicles and equipment—that operates in national parks has the potential to adversely impact park resources, including the park’s natural soundscape. In addition to their natural values, natural sounds, such as waves breaking on the shore, the roar of a river, and the call of a loon, form a valued part of the visitor experience. Conversely, the sounds of motor vehicle traffic, an electric generator, or loud music can greatly diminish the solemnity of a visit to a national memorial, the effectiveness of a park interpretive program, or the ability of a visitor to hear a bird singing its territorial song.”

“The Service will strive to preserve or restore the natural quiet and natural sounds associated with the physical and biological resources of parks. To do this, superintendents will carefully evaluate and manage how, when, and where motorized equipment is used by all those—including park staff—who operate equipment in the parks. Uses and impacts associated with the use of motorized equipment will be addressed in park planning processes. Where such use is necessary and appropriate, the least impacting equipment, vehicles, and

transportation systems should be used, consistent with public and employee safety. The natural ambient sound level--that is, the environment of sound that exists in the absence of human-caused noise--is the baseline condition, and the standard against which current conditions in a soundscape will be measured and evaluated.”

8.2.3.1 Off-road Vehicle Use

“Off-road motor vehicle use in national park units is governed by EO 11644 (as amended by EO 11989), which defines off-road vehicles as ‘any motorized vehicle designed for or capable of cross-country travel on or immediately over, land, water, sand, snow, ice, marsh, swampland, or other natural terrain’ (except any registered motorboat or any vehicle used for emergency purposes). Unless otherwise provided by statute, any time there is a proposal to allow a motor vehicle meeting this description to be used in a park, the provisions of the EO must be applied.”

“Within the National Park System, routes and areas may be designated for off-road motor vehicle use only by special regulation, and only when it would be consistent with the purposes for which the park unit was established. Routes and areas may be designated only in locations in which there will be no adverse impacts on the area’s natural, cultural, scenic, and esthetic values, and in consideration of other visitor uses. The criteria listed in section 8.2 [set out above] must also be applied to determine whether off-road vehicle use may be allowed. As required by the EO and the Organic Act, superintendents must immediately close a designated off-road vehicle route whenever the use is causing, or will cause, unacceptable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources.”

8.2.3.2 Snowmobiles

“Snowmobile use is a form of off-road vehicle use governed by EO 11644 as amended by EO 11989) and, in Alaska, by provisions of ANILCA (16 USC 3121 and 3170). Implementing regulations are published at 36 CFR 2.18, 36 CFR Park 13, and 43 CFR Part 36.”

“NPS administrative use of snowmobiles will be limited to what is necessary to manage public use of snowmobile routes and areas; to conduct emergency operations; and to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.”

1997 Court Settlement

Considerations embodied in the legal mandates discussed here prompted The Fund for Animals, et al. to sue the NPS in 1997. Specifically, the suit pointed out the alleged failure of the NPS to: consult with the USFWS on impacts of winter use on threatened or endangered species; prepare an EIS concerning winter use; and evaluate the effects of trail grooming on wildlife and other park resources. The suit was resolved by a settlement agreement approved by the court in October 1997. The agreement committed the NPS to: prepare an EIS and determine a new winter use plan for the three park units; consult with USFWS; and evaluate the possible closure of a road segment in Yellowstone.

2001 Court Settlement

The International Snowmobile Manufacturers’ Association et al. (ISMA) filed suit against the Secretary of the Interior, et al. in December 2000. The suit alleges that NPS violated the Administrative Procedures Act, the National Environmental Policy Act, the National Park Service Organic Act, and other laws. The State of Wyoming intervened on behalf of ISMA, and the Greater Yellowstone Coalition, et al. intervened in behalf of the Department of the Interior and NPS. While denying the allegations, Interior and NPS agreed in the settlement that a SEIS considering new information and circumstances will further the purposes of NEPA.

DESIRED CONDITION

The settlement notes that preparing an SEIS will provide the affected public and cooperating agencies the opportunity to provide new information related to the impacts of winter use in the parks and additional opportunity to provide comments on winter use management of the parks. Accordingly, the NPS has prepared an SEIS considering “new information and data submitted regarding new snowmobile technologies, which will include, but is not limited to, exhaust and noise emissions and engine design and type.” The NPS was initially required to issue a ROD and promulgate final regulations, if applicable, on or before November 15, 2002. On August 2, 2002, the NPS extended the time frame for the preparation of Final SEIS, due to the substantial number of public comments received on the Draft SEIS and to allow more time to better evaluate new information. The parties to the settlement agreement concurred with the extension. Under this time frame, a ROD will be finalized by March 21, 2003. Concurrent with the settlement agreement, NPS and the State of Wyoming negotiated another agreement under which the state would participate in the SEIS process as a cooperating agency.

PURPOSE AND NEED FOR ACTION

The purpose and need for action as the basis for this SEIS, in accordance with Council on Environmental Quality (CEQ) regulations (40 CFR 1502.13), is the same as that for the previous Final EIS. The purpose and need is described on Final EIS pages 6-8. Some of the information in the Final EIS purpose and need section was responsive to comments received on the Draft EIS. The reader is encouraged to review this material. The fundamental purpose and need for action is framed by a set of desired conditions, compared to existing conditions.⁶ The desired conditions are distilled from the large body of laws, regulations, EOs, and policies that are summarized above. Alternatives are different ways of addressing existing conditions and moving toward the desired state. Final EIS alternative G was selected in the current decision as the best approach to meet the purpose and need for action.

DESIRED CONDITION

These bulleted statements express desired conditions or objectives for winter use management, tying directly to laws, regulations, EOs and policies:

- Visitors have a range of appropriate winter recreation opportunities from primitive to developed. Winter recreation complements the unique characteristics of each landscape within the ecosystem.
- Recreational experiences are offered in an appropriate setting; they do not take place where they will irreparably impact air quality, wildlife, cultural areas, the experiences of other park visitors, or other park values and resources.
- High quality facilities are provided in parks to support the need for safety and enhanced visitor experiences.
- Conflicts among user groups are minimal.
- Visitors know how to participate safely in winter use activities without damaging resources.
- Oversnow vehicle sound and emission levels are reduced to protect employee and public health and safety, enhance visitor experience, and protect natural resources.

⁶ Because alternative G has not yet been implemented, though it is the existing decision, and because current winter use remains the same as described in the Final EIS, it is appropriate to describe the existing conditions as they are at present. The Final EIS and SEIS alternatives are intended to address these needs, for example by proposing cleaner and quieter snowmobiles to address issues of pollution and noise.

EXISTING CONDITION

The following issues and concerns contrast with the desired condition expressed above. These issues were addressed in the current decision to phase out snowmobiles.

- **Visitor Access:** Access to most locations is limited to those who can afford to ride a snowcoach or snowmobile. Access for personal motorized use via snowmobile has increased greatly since the beginnings of the winter program in the three parks. Snowmobile use, in current numbers, is in conflict with use of the parks' facilities by other user groups.
- **Visitor Experience:** A variety of winter use conflicts have been identified involving the relationship between users and among different user groups, which affect how people experience the parks. At destination facilities and trails open to both motorized and nonmotorized users, nonmotorized users express dissatisfaction with the sound, odor, and quantity of snowmobiles. These vehicles affect the solitude, quiet, and clean air and other resource values that many people expect and wish to enjoy in national parks.
- **Visitor Safety:** The current level of snowmobile accidents, unsafe users, inherent winter risks, and conflicts between users are of concern from the standpoint of public safety.
- **Resources:** Parks have documented health hazards from snowmachine emissions, harassment and unintended impacts on wildlife from groomed trails and their use, degradation of air quality-related values, and impacts on the natural soundscape. Many people strongly object to the degradation of inherent parks' values, as well as how these impacts affect people and their recreational opportunities.

SCOPE OF ANALYSIS — RANGE OF ALTERNATIVES CONSIDERED

The scope of analysis determines the range of alternatives to be considered. Pages 7-8 in the Final EIS describe the scope of analysis resulting in the seven alternatives evaluated in that document. The analysis in this SEIS is further limited to three alternatives that would allow snowmobile recreation to continue in the parks on the basis of improved snowmobile technology or other measures that address the adverse impacts of snowmobile use disclosed in the Final EIS. Because the settlement agreement is fundamentally predicated on "furthering the purposes of NEPA," and considering new information about snowmobile technology that was unavailable at the time of the Final EIS and ROD, only those alternative elements having to do with motorized use need be evaluated. In content, this is strongly related to the rule that implements the decision that designates the winter routes available for oversnow or off-road vehicle use (see policy section, above). For purposes of clarity, those elements of the decision that are not being re-evaluated are duplicated in the following section of this chapter.

Those elements of the current decision and rule, which are being re-evaluated as a function of the new information about snowmobile technology, represent alternative 1a, no action, in this SEIS.

Alternative 1b is the same in all respects to alternative 1a as far as final implementation is concerned, but it would set implementation back and allow another year for phase-in. The basis for alternatives 2, 3, and 4 describes how designations for oversnow motorized use could change to allow different levels and locations of snowmobile use. In the previous EIS, recreational use considerations and supporting facilities were limited to those considered technically possible at the time, or feasible for development and implementation. Alternatives evaluated in the Draft EIS that proposed implementation of "clean and quiet" requirements were criticized during the public comment period as impractical because technology was unavailable or because NPS was alleged to have no authority to impose such

measures.⁷ Now, because of the settlement agreement, the SEIS specifically evaluates improvements in snowmobile technology as to how they may change impacts on park resources and values, such as air quality, the natural soundscape, and visitor experience. Because interim use limits are imposed as features of some SEIS alternatives, social and economic impacts are also re-evaluated.

The decision to be made based on the analysis in this document must consider the conclusions in the Final EIS regarding adverse impacts and the finding in the ROD and final rule that these impacts (individually and collectively) constitute impairment of park resources and values.⁸ NPS stated in the final rule implementing the ROD that, “to achieve compliance with the applicable legal requirements while still allowing snowmobile use would require very strict numbers on both snowmobiles and snowcoaches.”

The reader should note that DO-12, which provides current direction on the preparation of environmental documents, requires an assessment of impairment for each resource impact topic. Therefore, the scope of the analysis incorporates the need to eliminate or successfully mitigate, in some fashion, impacts in addition to emissions and noise – most notably impacts on wildlife and visitor experience.

WINTER USE PLAN ELEMENTS NOT RE-EVALUATED IN THIS SEIS

As explained in the previous section, the scope of analysis is limited to alternative features dealing with motorized use (new snowmobile and snowcoach technology) and resource impacts that are associated with that use as conveyed in the SEIS alternatives. There are a number of features of the winter use plan currently in place, pursuant to the ROD of November 22, 2000. These features do not require reanalysis. For purposes of clarity, the features are duplicated here. They apply to winter use in the three park units in addition to the alternatives for motorized oversnow access being considered in this SEIS. The actions are categorized in the ROD as *Actions and Assumptions Common to All [three] Units*, *Actions Specific to Yellowstone*, and *Actions Specific to Grand Teton and the Parkway*. For actions common to all units, the actions are further categorized as “implementation,” “regulations/enforcement/administration,” “resource protection,” and “visitor use and access.” References to “zones” incorporate additional explanation from tables and maps published in the Final EIS. Provisions in the decision relating to mitigation and monitoring are also included. These measures are also shown as actions and assumptions common to all SEIS alternatives in Chapter II.

Actions and Assumptions Common to All Units

Implementation

- Unless otherwise noted, the parks will implement all actions the winter following the ROD for the winter use plans and EIS. Actions requiring a change in regulations will be implemented when the new regulations are effective.
- If it can be demonstrated sufficiently for NPS to determine that an implemented action has affected or would substantially affect a concession operation prior to the expiration of its

⁷ The analysis and the alternatives in the SEIS are not vastly different than those in the Final EIS. What appears to have changed is the snowmobiling public’s perception regarding new technology, or its willingness to consider its use, and industry’s willingness and ability to produce it. Also, based on public comment, it appears the snowmobiling public acknowledges NPS’ authority to impose these kinds of restrictions, which was not the case in the response to alternatives in the Draft EIS.

⁸ This is a matter of record. The SEIS is a supplement to the Final EIS per the settlement, and the context in which it is being written is the acceptance of new data, not a conclusion that the Final EIS and ROD are incorrect as alleged in the ISMA litigation.

contract, the action will be implemented only through negotiation or when a new contract is awarded.⁹

Regulations/Enforcement/Administration

- Several actions include possible road closures depending on the results of scientific studies. None of the actions preclude other closures for safety, resource protection, or other reasons as identified in 36 CFR 1.5 or 2.18.
- If the EPA adopts more stringent standards or measurement methods for vehicle emissions and sound applicable to winter use in the parks, they will be implemented in accordance with EPA regulations.
- Require all new oversnow vehicles purchased by the parks to conform to the best environmental standards available, and that other vehicles are retrofitted whenever possible with new technologies designed to lower sound and emission levels.

Resource Protection

- Continue scientific studies and monitoring regarding winter visitor use and park resources. Close selected areas of the park, including sections of roads, to visitor use if scientific studies indicate that human presence or activities have a detrimental effect on wildlife or other park resources that could not otherwise be mitigated. The appropriate level of environmental assessment under NEPA will be completed for all actions as required by CEQ regulations (40 CFR parts 1500-1508).
- Give a 1-year notice before any closure is implemented unless immediate closure is deemed necessary to avoid impairment of park resources.
- Sand, or an equally environmentally neutral substance, will be used for traction on all plowed winter roads. No salts will be used. Before spring opening, sand removal operations will continue on all plowed park roads.
- Investigate and implement options to reduce the palatability and accessibility to wildlife of the hydraulic fluid used in snow groomers.
- When snow depth warrants and at periodic intervals, routine plowing operations will include laying back roadside snowbanks that could be a barrier to wildlife exiting the road corridor.

Visitor Use and Access

- NPS will determine visitor use capacities based on studies that set indicators and thresholds for desired visitor experiences and resource conditions. The NPS will monitor indicators to maintain the conditions for each management prescription. If necessary, techniques such as reservations, permits, and differential fees will be implemented. See zone descriptions, monitoring table, and Appendix H (Recreation Carrying Capacity) in the Final EIS.

⁹ Refers to a required concession or a concession that is under contract at the time of this decision. Flagg Ranch contends that termination of plowing the road between Colter Bay and Flagg Ranch represents a breach of contract. Similarly, the concessioner contends that elimination of snowmobile use violates a part of its contract that NPS had required, causing the concessioner to make large capital expenditures (snowmobile rental and guiding is authorized in the Flagg Ranch contract; however, it is not a requirement). This measure was put in place in the current decision, in large part to address Flagg Ranch's concern about not plowing the road segment. This part of the decision is not directly related to the determination of impairment, being more of a safety issue, so it is logical to defer implementation. On the other hand, the use of snowmobiles was determined to result in adverse impacts and impairment. There is ample support in law, policy and concession contracting to eliminate a use that has such impacts.

- Continue to implement transition and action plans for accessibility and support the philosophy of universal access to the parks. The NPS will make reasonable efforts to ensure accessibility of buildings, facilities, programs, and services. The NPS will develop strategies to ensure that new and renovated facilities, programs and services (including those provided by concessionaires) are designed, constructed, or offered in conformance with applicable policies, rules, regulations, and standards (including but not limited to the Architectural Barriers Act of 1968; the Americans with Disabilities Act of 1990 (ADA); the Uniform Federal Accessibility Standards of 1984 (UFAS); and the Guidelines for Outdoor Developed Areas of 1999).
- Architectural and Site Access and Programmatic Access: The NPS will evaluate existing buildings and existing and new programs, activities, and services (including telecommunications and media) to determine current accessibility and usability by disabled winter visitors. Action plans to remove barriers will be developed.
- This alternative includes an affirmative commitment to implement strategies designed to provide a reasonable level of affordable access to winter park visitors.
- Backcountry nonmotorized use will continue to be allowed throughout the parks except where designated otherwise (shown as zone 8 or area of designated trail use on alternative map in the Final EIS).
- Implement an information program on snow and trail conditions, points of interest, and available recreational opportunities. Through partnerships, establish park visitor contact opportunities in gateway communities and utilize state tourism program resources.

Actions Specific to Yellowstone

- In Yellowstone, the NPS will continue to plow Highway 191 and the road from Mammoth to Tower and Tower to the Northeast Entrance (Cooke City) throughout the winter.
- A designated route for nonmotorized recreation is defined as a marked or otherwise indicated oversnow travel way.
- Grand Canyon of the Yellowstone and the McMinn Bench bighorn sheep area will continue to be closed to winter use.
- Winter garbage storage facilities that are wildlife-proof will be constructed in the Old Faithful, Grant, Lake, and Canyon areas.
- Provide nonmotorized opportunities (e.g., skiing and snowshoeing) (zones 8 and 9). Examples of existing roads or trails that will be groomed include Fountain Flats Road and portions of the East Entrance road.
- Where feasible, set parallel tracks on one or both sides of the snow roads to facilitate nonmotorized access.
- Increase interpretive opportunities related to the unique aspects of the winter environment by providing interpretive programs at destination areas and warming huts. Provide guided interpretive programs for organized groups on snowcoaches. Provide interpretive ski and snowshoe tours and programs such as near Tower, Canyon, Mammoth, Old Faithful, West Thumb, Madison, and West Entrance.
- Restrict nonmotorized uses in wildlife winter ranges and thermal areas to travel on designated routes or trails (zones 8 and 9 in the Final EIS).
- Side roads, including Firehole Canyon Drive, Fountain Flat Road, Virginia Cascade Drive, North Canyon Rim Drive, Riverside Drive, Lake Butte Overlook Drive, and the road segment from Canyon Junction to Washburn Hot Springs Overlook on the Grand Loop Road will be open to mass transit snowcoaches only.

Actions Specific to Grand Teton and the Parkway

- In Grand Teton and the Parkway, the following roadways will continue to be plowed:
 - Highway 26/89/287 from the south boundary of the park to Moran.
 - Highway 89/287 from Moran to Colter Bay.
 - Highway 26/287 from Moran to the eastern park boundary.
 - Teton Park Road from Moose Junction to Taggart Lake Trailhead, and from Jackson Lake Junction to Signal Mountain Lodge; from Highway 89/287 along the Pacific Creek road to the park boundary; from Kelly to the eastern park boundary; from Gros Ventre Junction to Kelly to Mailbox Corner; and the road to the eastern park boundary at Ditch Creek.
- Current winter closures will remain in effect on the Snake River floodplain, the Buffalo Fork River floodplain, the Uhl Hill area, Willow Flats, Kelly Hill, and Static Peak.
- An additional closure for the protection of bighorn sheep includes Prospectors Mountain and Mount Hunt.
- Reasonable and direct access to adjacent public and private lands, or to privately owned lands within the park with permitted or historical motorized access, will continue via paved and plowed routes or via oversnow routes from GTNP (used by snowmobiles).
- Provide opportunities for nonmotorized ungroomed winter trail use (zone 9):
 - On the Teton Park Road from Taggart Lake Trailhead to Signal Mountain.
 - On Antelope Flats.
 - Near Colter Bay and Two Ocean Lake.
 - On the unplowed portion of the Moose-Wilson road.
- Continue destination and support facilities at Moose, Triangle X, Colter Bay, and Flagg Ranch, and add warming hut facilities along the Teton Park Road to provide visitor services and interpretive opportunities that focus on nonmotorized uses (zone 1).
- Limit backcountry nonmotorized use to designated routes to address wildlife issues in certain wildlife winter ranges, or close certain areas to all use.
- Increase interpretive opportunities related to the unique aspects of the winter environment by providing interpretive programs at destination areas and warming huts. Provide guided interpretive programs for organized groups on snowcoaches. Provide interpretive ski and snowshoe tours and programs at locations such as Moose, Colter Bay, and Flagg Ranch visitor services.
- Phase in administrative snowmobile types that meet the best available emission and sound limits. Administrative use of snowmobiles in Grand Teton is limited to law enforcement, utility and maintenance access, and search and rescue or other use as approved by the superintendent. Converting this use to snowcoaches will limit the ability of park employees to respond effectively to emergencies in these areas.
- Use of snowplanes on Jackson Lake will be discontinued following the 2001-2002 winter season.

Definitions

- Oversnow motor vehicles: self-propelled vehicles intended for travel on snow, driven by a track or tracks in contact with the snow that may be steered by skis or tracks in contact with the snow. This term includes both snowmobiles and snowcoaches.

- Snowmobiles: self-propelled vehicles intended for travel on snow, having a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow, which may be steered by a ski or skis in contact with the snow.
- Snowplanes: self-propelled vehicles intended for oversnow travel, having a weight of not more than 1,000 pounds (450 kg) mounted on skis in contact with the snow, and driven by a pusher-propeller.
- Snowcoaches: self-propelled, mass transit vehicles intended for travel on snow, having a curb weight of over 1,000 pounds (450 kg), driven by a track or tracks and steered by skis or tracks, having a capacity of at least 8 passengers.
- The phrase “gateway communities” refers to the towns of Jackson and Cody, Wyoming, and Gardiner and West Yellowstone, Montana, only.

Mitigation

Air Quality

- Park concessions will be required to mitigate the impacts of air pollution before this plan is adopted by selling only bio-fuels and synthetic lubes inside the park.

Water Resources

- Best management practices will be used during the construction, reconstruction, or winter plowing of trails and roads to prevent unnecessary vegetation removal, erosion, and sedimentation.
- Separate new or reconstructed winter-motorized trails from drainages where practicable to mitigate the routing of snowpack contaminants into surface water.
- Any new or reconstructed winter use sanitary facilities will be constructed in locations and with advanced technologies that will protect water resources.
- A focused monitoring program will reduce the uncertainty of impacts from oversnow vehicles, and if necessary indicate best management practices that might be implemented.

Wildlife, Including Federally Protected Species and Species of Special Concern

- NPS personnel will patrol sensitive resources to ensure compliance with area closures.
- Monitoring of eagle populations to identify and protect nests will continue. The park will continue to support the objectives of the Greater Yellowstone Bald Eagle Management Plan.
- Monitoring of wolf populations will continue.
- Lynx surveys will be undertaken to document the distribution and abundance of lynx in the parks and their relationship to packed surfaces. The presence of other carnivores will be documented. The parks will abide by the recommendations of the Lynx Conservation Assessment Strategy.
- Continue to assess grizzly bear abundance, distribution, and habitat selection, including the location of dens. The information obtained will assist park managers in protecting important habitats and planning recreational activities that minimize disturbance to bears. Monitoring grizzly bear populations will continue in accordance with the Interagency Grizzly Bear Management Guidelines and the parks’ bear management plans.
- Monitoring and protecting trumpeter swan habitats and nests will continue, including the closure of nest sites, when warranted, to public access from February 1 to September 15.
- Monitoring potential or known winter use conflicts will result in area closures if necessary to protect wildlife habitat.

- Conduct snow track surveys for carnivores (including lynx) on both groomed and ungroomed routes.
- Continue to monitor use of groomed, ungroomed, and plowed surfaces by bison and other ungulates.

Cultural Resources

- Should the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony occur during construction, provisions outlined in the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001) will be followed.
- Trails and trailheads will be sited to avoid adversely impacting known cultural resources, including potential cultural landscapes. In addition, the use of natural materials and colors for all permanent signs erected will allow the signs to blend into their surroundings.

Monitoring

- In order to assess the long-term effects of management actions on park resources and values resource inventory, monitoring and adaptive management are incorporated into this decision. The key resources and values potentially impacted by winter recreation use in the three park units are air quality, wildlife, sound, water resources, safety, and visitor experience. Table 12 outlines specific indicators for monitoring these resources and values. These indicators will be monitored to ensure protection of natural resources and park values and evaluate management success.
- This decision will also include adaptive management provisions. It provides for systematic feedback for park management and allows for adjustment of activities to mitigate unplanned or undesirable outcomes. Procedures, indicators, thresholds, and potential management actions for adaptive management are also presented in Table 12.
- Actions affecting park values for which there are no defined standards, such as odor or visitor satisfaction are subject to an adaptive management approach. If continuing problems are indicated relative to such impacts, but there are insufficient funds for focused monitoring and evaluation of those problems, emergency management actions will be implemented to eliminate the impact pending the attainment of funds.

DECISION TO BE MADE

In the final rule implementing the current decision to phase in motorized access by snowcoach only, it is noted that reintroduction of snowmobiles into the parks can only be accomplished by placing strict limitations on them. Limitations would necessarily be those that eliminate impairment and that mitigate adverse impacts to an acceptable level. At an early juncture in the settlement process, it seemed that there was some concession on the part of community snowmobile interests that the consequence of allowing snowmobiles back in the parks would be reducing their numbers, using cleaner and quieter machines, and improving/enhancing administrative efforts such as enforcement and permit requirements.

As with the decision made in the December 2000 ROD, it remains the expressed intent of NPS to maintain historical levels of visitation (average annual winter visitation over the past 10 years) to the parks. This intent must be conditioned by saying that adaptive management and monitoring could change the amount and distribution of recreation use, and the mode of transport for visitors, in different areas of the parks. Part of the programmatic decision to be made is to specify the framework for both monitoring and adaptive management, which are to be implemented in part as conditions of allowing snowmobiles and snowcoaches in the parks. However, NPS continues to believe that changing modes of transport to those that are less intrusive on resources and other visitors, and

emphasizing mass transit access to reduce the numbers of machines, will help create new markets for winter use. Diversifying winter gateway economies can only be viewed as improving them.

The “no action” alternative in this SEIS is represented by the decision currently in place and documented by a ROD published in November of 2000, and the final rule published on January 22, 2001. The settlement agreement represents direction to engage in a process to reconsider this decision based on the submittal of new information on snowmobile technology by ISMA and additional public comment. The decision lies within the scope of analysis presented above. Therefore, the decision to be made is whether to affirm the previous decision or to make a new one. The ISMA settlement agreement initially required NPS to sign a new ROD, to be published by November 15, 2002. On August 2, 2002, the NPS extended the time frame for the preparation of the Final SEIS, due to the substantial number of public comments received on the Draft SEIS and to allow more time to better evaluate new information. The parties to the settlement agreement concurred with the extension. Under this time frame, a ROD will be finalized by March 21, 2003. That ROD will present the selected alternative and the rationale for its selection.¹⁰ The nature of the decision to be made remains essentially the same as described in the Final EIS on pages 8-9. That is, to determine which alternative best meets the purpose and need for action – addressing issues and resolving them to meet guidance in laws, regulations, EOs and policies. If a new or revised decision is made, it can use elements or features, including mitigation, of any alternative already evaluated in the Final EIS or in this SEIS. The decision to be made does not include revisiting features of the earlier decision not relating to or affected by the new information being considered. These features are reported in the previous section, and they apply generally to all SEIS alternatives.

Some aspects of the decision that has been made relate to the administrative use of snowmobiles, and personal use of snowmobiles by employees living within the interior of YNP. The decision commits the NPS to phase in cleaner and quieter machines “as funds allow.” For any measures included in the SEIS alternatives in regard to this, it should be noted that, for the decision to be made, implementation of any decision is subject to the availability of appropriations from Congress, including, for example, the funding of items such as a new snowmobile fleet. As with many other aspects of the decision to be made, the decision must be subject to the requirements of existing laws and regulations.

PUBLIC INVOLVEMENT

The NPS began the initial winter visitor use planning process (EIS) by publishing a Notice of Intent to Prepare an EIS on April 15, 1998. Public scoping comments were accepted from April 14 to July 18, 1998. Scoping brochures were distributed to about 6,000 interested parties and 12 public meetings were held throughout the GYA and in Idaho, Montana, and Wyoming. In addition to local and regional meetings, the NPS hosted meetings in Salt Lake City, Denver, Minneapolis, and Washington, D.C. Overall, 2,000 comments were received, of which 1,200 of these were form letters.

Comments were accepted from July 1999 to December 15, 1999, on the *Winter Use Plans/Draft Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway*. The NPS received comments from across the United States, Canada and as far away as Germany, Saudi Arabia and Japan. Most comments came from Rocky Mountain and Northwest States. The NPS received 46,500 documents commenting on the Draft EIS - 6,300 unique documents and 40,200 form letters. Commenters included businesses; private and non-profit organizations; local; state; tribal and federal government agencies; and the public at large, which constituted 99% of the total body of commenters. In addition to acceptance of written public comment, the NPS held 6 public hearings in the following areas, Idaho Falls, Idaho; Livingston and West

¹⁰ Following the decision in November 2000, a proposed rule to implement the decision was published and a final rule eventually promulgated. This rule, implementing the phasing out of snowmobiles, is in effect currently. If the decision is changed as a result of the SEIS, there would be another rulemaking process.

Yellowstone, Montana; Jackson and Cody, Wyoming; and Denver, Colorado. For reference, a thorough analysis of comments received on the previous Draft EIS may be found in the Final EIS, Volume III. The comment analysis is summarized on pages 9-11 of the Final EIS.

The Winter Use Plans Final Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway was published on October 10, 2000. Although not required by CEQ regulation, the NPS invited the public to provide comment on the Final EIS until October 31, 2000. During this comment period, the NPS received 10,880 documents. Of these 6,717 were form letters and 4,163 were unique documents.

Following the signing of the ROD, the NPS initiated a rulemaking process to implement actions associated with the phase-in schedule for snowmobiles and the change to snowcoach only travel in the parks. The rule making process received a total of 5,273 comment documents in the form of letters, postcards and emails.

The above body of comment expressed a variety of winter use issues and concerns including concern for socioeconomic impacts on local communities; effects on visitor access and visitor experience; effects on air quality; the natural soundscape; and wildlife. Many comments expressed a preference for an alternative or decision. Support was expressed for alternatives proposed by the NPS, the cooperating agencies, the Greater Yellowstone Coalition and the Fund for Animals. Comments on the rule generally expressed support for or against the use of snowmobiles in the parks. Before the initiation of the SEIS process, the NPS had received 64,653 separate comment documents on the winter use planning process.

Public Comment from the Notice of Intent to Prepare an SEIS

The Notice of Intent to prepare a Winter Use Plans Supplemental Environmental Impact Statement for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway was published in the *Federal Register* on July 27, 2001. The preparation of an SEIS was deemed necessary to further the purposes of NEPA. The purposes of NEPA would be furthered in this instance by “preparing an SEIS and considering new information and circumstances.... and...provide the affected public and cooperating agencies the opportunity to provide new information related to the impacts of winter use in the parks and additional opportunity to provide comments...”

The NPS received 8,443 separate documents commenting on the SEIS scoping process. Approximately 7,100 of these were form documents or petitions and 1,343 were unique documents. The majority of the documents expressed either support for or against the SEIS process. Commenters expressed concern for the same issues as described in the Draft EIS and Final EIS, including concern for socioeconomic effects on local communities, effects on visitor access and visitor experience, effects on air quality, the natural soundscape, and wildlife.

A number of comments expressed opinions and concerns about the SEIS process. Some commenters expressed the opinion that there is no need for an SEIS because they believed the Final EIS document was sufficient, and cited ten years of study “proving that snowmobiles damage park resources such as air quality, soundscapes and wildlife and are a risk to public safety.” Other commenters expressed disagreeing opinions, saying that the present winter use plan disregarded the socioeconomic effects on local communities, the needs of the disabled and the elderly, and did not conform with applicable law, either substantively or procedurally.

Commenters that supported the SEIS process offered opinions and suggestions for action items to be included in the range of alternatives.

- Incorporating new clean and quiet snowmobile technologies
- Increasing ranger patrols to protect wildlife
- Increasing the role of the cooperating agencies

- Requiring prepaid permits and implementing a reservation system
- Phasing in clean and quiet snowmobile technologies
- Using EPA standards for snowmobile emissions
- Dispersing snowmobile use throughout the park, rather than concentrating it at Old Faithful
- Including “proper management” as a way to control snowmobiles
- Incorporating adequate phase in for new technologies and vehicle availability for snowcoaches and snowmobiles
- Separating snowcoach and snowmobile parking at Old Faithful
- Accommodating quiet winter uses through temporal or spatial zoning
- Lengthening the winter season
- Relocating the West Entrance to YNP
- Opening new areas to snowmobiling

Suggestions and opinions from commenters who did not support the SEIS process included:

- Implementing the existing decision and rule
- Banning snowmobiles
- Incorporating an alternative that examines no motorized winter use

The cooperating agencies participating in the SEIS process submitted a variety of studies and reports regarding the effect of winter use in the parks and on the local economies in the GYA and new snowmobile technologies. Submitted materials include the following reports from the State of Wyoming: “American Voters Views on Snowmobiles in National Parks,” a survey prepared for the ISMA: The 2000-2001 Wyoming Snowmobile Survey, which includes surveys of resident and non-resident snowmobilers, snowmobile outfitter clients and interviews with outfitters (McManus et al. 2001); *Review of Research related to the Environmental Impact Statement for the Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr., Memorial Parkway* (Institute for Environment and Natural Resources 2000); *Review of Documents and Recommendations of the Winter Use Plans Final Environmental Impact Statement* (Western EcoSystems Technology, Inc. 2001); *Determination of Snowcoach Emissions Factors* (Southwest Research Institute 2002); *Oversnow Vehicle Sound Level Measurements* (Jackson Hole Scientific Investigations, Inc. 2001); and *An Expert Opinion on the Reasonableness of the Cooperating Agencies’ Alternative #2 for Inclusion in the Yellowstone Winter Use SEIS* (Haas et al. 2001). The *Electric Snowmobile Demonstration Project* was submitted by the State of Montana and the results from the *Society of Automotive Engineers 2001 Snowmobile Challenge* (Fussell 2001) was submitted by the State of Montana and Teton County, Wyoming. A report completed by the University of Wyoming entitled the *Economic Importance of the Winter Season to Park County, Wyoming* (Taylor 2001) was submitted by Park County, Wyoming. See Table 16 in Chapter III for a complete listing.

Public Comment on the Draft SEIS

The Draft SEIS was published on March 29, 2002, initiating a 60-day public comment period. No general public hearings or meetings were conducted during this time, in relation to the Draft SEIS. By the close of the comment period, 357,405 pieces of correspondence had been received in the form of written letters, e-mails, or petitions. A majority of the commenters were in favor of keeping the existing decision in place to allow access by snowcoach only. A thorough description of the public comments received is provided in Chapter VI of this SEIS. Volume 2 of this SEIS contains NPS’ responses to those comments.

CHANGES BETWEEN THE DRAFT SEIS AND FINAL SEIS

Major changes between the Draft and Final SEIS documents fall into several categories. These are: changes responding to public comments, changes in alternatives, changes in analysis, changes resulting from or acknowledging new information, the addition and analysis of alternative 4 (the preferred alternative), and additions in textual material that disclose the results of the public comment period. In many instances changes that responded to public comments are changes made necessary by re-evaluating and altering the analysis. A number of minor changes were made in order to improve the clarity of statements or discussions in the document.

A major document change is the addition of Chapter VI, documenting the public comments received on the Draft SEIS. Volume 2 of this SEIS contains NPS' responses to these comments. Review of these sections shows how comments were assessed and considered, as required under CEQ regulations (40 CFR 1503.4).

Alternative 2 in the Draft SEIS is represented as the cooperating agency alternative, constructed primarily by the State of Wyoming. In Wyoming's comments on the Draft SEIS, a number of changes in the alternative were requested and made. One significant change lowered the allowable number of snowmobiles entering the parks, with the condition that "new generation" snowcoaches concurrently provide a commensurate number of replacement visitors. NPS elected to provide a new alternative in the Final SEIS, which is the preferred. Rationale for its preference is provided in Chapter II. Also new in Chapter II of the Final SEIS is an evaluation of the environmentally preferred alternative, which NPS did not identify in the Draft SEIS. Other changes in the document relating to analysis and disclosure of impacts are made necessary by virtue of these changes in the range of alternatives. For all of the alternatives, additional details on monitoring and adaptive management have been included in the alternatives, as these are essential components of the alternatives in terms of ensuring park resources and values are protected in an unimpaired condition.

Analysis changes include those made necessary by altering visitor numbers, as in alternative 2, and by adding an alternative (alternative 4, the preferred alternative) for which all analytical models needed to be run. Also, as noted in the Draft SEIS, some information came too late from cooperators and others to include in the models. These data became part of the analysis for the Final SEIS. Field studies involving noise measurements took place during February 2002, and results from these studies have been evaluated and included. A comprehensive look at emission and noise data for this Final SEIS supports the modeling for air quality and soundscape analyses. Prior to the publication of the Draft SEIS, visibility impacts and PSD increment analysis had not been completed. These are present in the Final SEIS.

Relative to the analyses of air quality, natural soundscapes, and socioeconomics, document changes have been made to improve clarity. These analyses are provided in technical report form as appendices to the Final SEIS. Results are summarized in the body of the document in a way that is intended to be clearer for the non-technical reader, thereby allowing easier comparisons between alternatives.

Some material from the Draft SEIS has been removed from the Final SEIS in the spirit of simplification and focus on the essential issues. Where this is done, the Draft SEIS material is referenced. Not all appendices provided in the Draft SEIS were considered critical to duplicate in the Final SEIS, and are incorporated by reference. Several new appendices, in addition to the two technical reports, have been provided to support the key issues being analyzed. Among these are documentation of visitor use scenarios for each alternative, which provided the basis for model inputs. Also, Appendix D presents costs by alternative, a perspective that was unavailable in the Draft SEIS.

Finally, the season each alternative would be implemented has been moved back a year, because of the extension of the time frame for preparation of the Final SEIS. Implementation of year 1 of the alternatives would occur in the 2003-2004 winter season; year 2 in 2004-2005; and year 3 in 2005-2006.

CONSULTATION AND COORDINATION

Cooperating Agencies

The discussion of cooperating agencies is located in the Final EIS on pages 16-18. During the previous EIS process, state and county governments around the GYA requested and were granted cooperating agency status (40 CFR §1501.6) in December 1997 and January 1998. The NPS also requested that the USFS become a cooperating agency because of possible impacts on surrounding national forests from changes in the parks' winter use management; the USFS acceded. In addition to these agencies, the Environmental Protection Agency (EPA) was invited to participate as a cooperator for the SEIS. There are, therefore, 10 cooperating agencies in this effort. All agencies signed a cooperating agency agreement, the terms of which are presented in Appendix B of the Draft SEIS. The designated representatives for all cooperating agencies are also presented in Appendix B of the Draft SEIS.

American Indian Tribes

The NPS is committed to recognizing the past and present existence of American Indians in the region, and the traces of their use as an important part of the cultural environment to be preserved and interpreted. NPS will consult during the SEIS process with the 26 contemporary American Indian tribes currently recognized by YNP and GTNP as traditionally affiliated with the GYA. These tribes are:

- Assiniboine and Sioux
- Blackfeet
- Cheyenne River Sioux
- Coeur d'Alene
- Comanche Tribe of Oklahoma
- Confederated Tribes of Colville Reservation
- Confederated Tribes of the Umatilla Reservation
- Confederated Salish and Kootenai Tribes
- Crow Creek Sioux
- Crow
- Eastern Shoshone
- Northern Arapaho
- Flandreau Santee Sioux
- Gros Ventre and Assiniboine
- Kiowa Tribe of Oklahoma
- Lower Brule Sioux
- Nez Perce
- Northern Cheyenne
- Oglala Sioux
- Rosebud Sioux
- Shoshone-Bannock
- Sisseton-Wahpeton Sioux
- Spirit Lake Sioux
- Standing Rock Sioux
- Turtle Mountain Band of the Chippewa Indians
- Yankton Sioux

State Historic Preservation Offices

Consultation with State Historic Preservation Office (SHPO) in Wyoming, Montana, and Idaho during the earlier EIS process is described on page 20 of the Final EIS and page 31 of the ROD. None of the three offices provided substantive comments, and indicated there was no further need to consult as the Final EIS was being prepared for publication. No comments were received from these offices as part of the SEIS process.

U.S. Fish and Wildlife Service

Consultation with USFWS during the earlier EIS process is described on pages 20-21 of the Final EIS, and page 31 of the ROD. A Biological Assessment (BA) was prepared to evaluate the effects of the Final EIS preferred alternative (alternative G) on species listed under the Endangered Species Act. The BA was submitted to USFWS on July 5, 2000. On October 25, 2000, USFWS responded with a letter concurring with NPS' determination that implementing alternative G would not adversely affect

federally listed species or migratory birds. A BA for this Final SEIS will be submitted to the USFWS on or about November 15, 2002.

MAJOR ISSUES

The Final EIS describes major issues (based on public comments) that relate to the purpose and need for action for the future of winter use in the three NPS units. The descriptions are presented on pages 24-26 of the Final EIS document, and this material is incorporated by reference in the SEIS. These issues parallel the existing conditions identified in the purpose and need for action. For the convenience of the reader, the issues are briefly summarized here. The purpose of developing alternatives is to look at and compare different means for resolving these issues. These issue topics are important for evaluating and disclosing impacts in the Final EIS, and they remain the focus for the SEIS.

Social and Economic Issues

Many comments reflected the effect of changes in park management actions on local communities. Local businesses provide services to visitors near both parks, and many local economies rely, in part, on revenues from park visitors in the winter. Concern was voiced that eliminating oversnow travel and snowmobiles in particular or closing an entrance to a park during the winter could have a detrimental effect on local economies. Other commenters stated that concern for the parks' resources should be elevated above economics.

Human Health and Safety

Four primary health and safety issues were identified regarding winter visitor use. These issues occur to greater or lesser degrees in various areas of the three park units:

- The effect of motorized vehicular emissions and noise on employees and visitors
- Speed limits and the frequency of motor vehicle accidents and fatalities, as well as the number of nighttime collisions involving wildlife
- Avalanche hazards
- Safety problems where different modes of winter transport are co-located or in close proximity

Natural Resources

Impacts of winter use on natural resources revolve around three major issues.

- The impact of groomed surfaces and their use on wildlife
- The impact of snowmobile and snowcoach emissions on air quality and air quality-related values
- The impact of noise from snowmobiles and snowcoaches on the natural soundscape

Visitor Use and Access

Various user groups contend that the national parks offer either too much or not enough of various types of use. Many people contend that motorized use has greatly affected opportunities for nonmotorized use in the GYA. People who advocate for snowmobile use, including service and equipment providers in gateway communities, indicate that there is a right to personal (individual) access to the parks for this use.

Visitor Experience

Expectations for quality winter recreation experiences are different for different user groups. This raises contention between groups for which quiet, solitude, and clean air needs conflict with the

impacts of snowmobiles, especially when facilities for these different groups are in close proximity to each other. At issue is the nature of visitor enjoyment and its relationship to park resources and values.

ISSUES OR CONCERNS NOT ADDRESSED IN THE SEIS

In previous SEIS discussions it has been made clear that the scope of analysis, hence the range of alternatives, is limited to provisions dealing with technological changes in motorized oversnow vehicles. Apart from plan elements that are not addressed in the SEIS, a variety of issues are not addressed.

A number of issues and concerns have been raised throughout the planning process for winter use in the three park units, which are not addressed in the Final EIS because they are outside the scope of analysis. For the most part, these issues will not be addressed in the SEIS, therefore the material presented on pages 26-28 of the Final EIS is incorporated by reference. Topics that are not evaluated are: privatization of park facilities; wildlife carrying capacities; multiple-uses of national park lands; economic effects of park concessions; and NEPA procedures or NPS policies. In the Final EIS, NPS indicated it would not evaluate and compare winter uses with uses that occur during other seasons. The reason for this determination is that such analysis is outside the scope of the decision, and such comparisons would likely confuse the issue. Because of allegations about snowmobile emissions and noise and how they are allegedly no worse than summer wheeled vehicle traffic, NPS believes it may be useful to respond with some comparisons based on data. It should be clear, however, that the decision to be made does not include uses other than those occurring during the winter.

OTHER PLANS AND ENVIRONMENTAL ANALYSES

This section is updated from that presented in the Final EIS. There are other ongoing planning efforts that relate to some elements of this EIS/plans. As other plans are approved, they can incorporate relevant portions of the winter use plans. In reference to the previous discussion of the purpose of and need for action, some comments or possible issues are more appropriately dealt with in other plans or assessments. Related planning efforts include:

- The Draft Commercial Services Plan for YNP is scheduled for completion in 2002.
- The Commercial Services Plan for GTNP is on hold, pending the completion of other analyses.
- Grand Teton has recognized the importance of developing a comprehensive transportation plan. The park completed a study of transportation needs, collected data, and initiated a public planning process as of September 2001.
- Yellowstone has taken a comprehensive look at its roads and transportation systems through several reports and studies. YNP and GTNP are also partners in the Greater Yellowstone Area Clean Air Partnership and the Yellowstone-Teton Clean Cities Coalition.
- The Bison Management Plan for the State of Montana and YNP has been completed. It should not affect the winter use plan.
- GTNP has begun an assessment for reconstruction of Highway 89/287 from the north end of GTNP through the Parkway to the south boundary of YNP.